

IN THE UNITED STATES DISTRICT COURT
FOR THE Eastern DISTRICT OF TEXAS
Beaumont DIVISION

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAR - 1 2018

Frank Dugges 473881
Plaintiff's Name and ID Number

Stiles Unit
Place of Confinement

BY
DEPUTY _____

CASE NO. 1:18cv94
(Clerk will assign the number)

MC-KFG

v.

Kourtney Hadnot / Stiles Unit / Beaumont, TX
Defendant's Name and Address

Schuyler Lewis / Stiles Unit / Beaumont, TX
Defendant's Name and Address

Wayne Brewer / Stiles Unit / Beaumont, TX
Defendant's Name and Address
(DO NOT USE "ET AL.")

All defendants in their
individual and official
capacity... and while
acting under color of state
law.

- Defendants Continued on page 3 -
INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim. Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of **\$350.00**.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire **\$350** filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

I. PREVIOUS LAWSUITS:

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? ✓ YES NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: first § 1983 filed in 1991 or 92.
 2. Parties to previous lawsuit:
 Plaintiff(s): Frank Digges
 Defendant(s): David Turner, Correctional officer and two other defendants whose names I do not recall.
 3. Court (If federal, name the district; if state, name the county) Western District.
 4. Docket Number: do not recall / no longer have records.
 5. Name of judge to whom case was assigned: Walter Smith / U.S. Magistrate Dennis Knecht.
 6. Disposition: (Was the case dismissed, appealed, still pending?)
jury trial / jury ruled in favor of defendants / no appeal was taken.
 7. Approximate date of disposition: sometime in 1991 or 92.

x/

Attachment to Page 2

1. Second § 1983 filed in Eastern District of Texas in 1995 or 96.

2. Frank Digges
Plaintiff

Steven Crosby, Correctional Officer / Brian Norton, Correctional Officer
Defendant Defendant

3. Eastern District.

4. Do not remember / no longer have the paperwork or files.

5. Do not remember judge's name / U.S. magistrate's name was Judith Munthro.

6. Case was dismissed as frivolous and failure to state a claim.

7. I don't remember / 1996 I think.

1. Third § 1983 filed in Eastern District of Texas in 2010.

2. Frank Digges
Plaintiff

Frank Helm, / Mayor / and at least two other defendants I don't remember their names - one was a Regional Director and the other a Correctional Officer.

3. Eastern District.

4. Do not remember / no longer have the paperwork or files.

5. Do not remember judge / U.S. Magistrate's name was Judith Munthro again.

6. Case was dismissed as frivolous and failure to state a claim.

7. I don't remember / 2010 I think.

1. I filed three Habeas Corpus actions in 2014 (two in convicting County / Montgomery County, Texas) (one in federal court / Southern District of Texas) attacking prison conditions of confinement. All three of these habeas Corpus actions were dismissed for want of jurisdiction / and for not being able to attack prison conditions of confinement in a habeas Corpus action.

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Second Attachment to Page 2

I am in fear of imminent bodily injury and death / I would ask this Court to consider the allegations and facts written in this complaint in support of my life and safety being at imminent risk and in granting me former pauper status. Additionally, as with other requested relief at the end of this complaint, I would ask the Court to stay these proceedings until I am able to thoroughly exhaust all administrative remedies through the grievance process. I have exhausted most of these remedies, there are at least 4 still unexhausted [one grievance in particular that is still out is grievance #201801983] / this grievance has been at Step 2 since November 25, 2017 - 50 days. [Ten days past 40 day time limit]. Additionally, to inform the Court on the current, the harassment, retaliation and indifference to my request to prison officials for help has escalated in the past weeks. The ^{would} free mail letter[s] to Senior Warden Wayne Brewer, Assistant Warden Aaron Tompkins, property room officer Anita Breaux. [also a letter I sent to the UCC on 1/10/2018 via an officer who was suppose to be my escort to the UCC until I refused the UCC], Major Schuler Lewis being recently fired [October 2017], grievances I have filed on the grievance investigators themselves [Felicia Davis / Nathann Jones / Montroe Christen] [grievance just filed on Christen January 3/2018] found the UCC g5-ing me on a code 24.2 case (refusing housing) (the UCC I sent the letter to on 1/10/2018), and moving me by threat of force to 12 Building F pad. Though I am still in a single cell, 12 Building F pad is a more ~~restrictive~~ ^{violent} area of the unit. I've had a great deal of my property confiscated since being on F pad / including my one deodorant and 39 stamps in a wallet [with receipt for the stamps in the wallet]. Since being on F pad I've had a officer pick up my ^{card} ID (I don't know the officer's name), for the purpose of making commissary. But no commissary was run for F pad that day (1/12/2018), and I am still ~~waiting~~ ^{waiting} to get my ID card back.

Third Attachment to Page 2

The officers who confiscated my property (an officer named Cormier) did so when I was out of my cell and off the pod writing out an LIO statement for a supervisor named Tabitha Conley (she's a sergeant). Cormier would not give me a confiscation sheet or a copy of the inventory sheet on my property. At best 3 sergeants coming to or by my cell just ignored me on getting me the copy of the inventory sheet. One sergeant, Jared O'Neal (a defendant in this suit) just shrugged his shoulders and walked off from me. I personally handed Major Rockella Neal an IOB on the matter when she was on the rec in front of my cell 1/13/2018. I still have not gotten my property back. Cormier took that he was not suppose to (my stamps and leaders) or the inventory sheet.

Note: (A) I was on the Wynne Unit from 9/19/2013 to 11/12/2014 and refused housing there 13 times [13 major cases] spent 12 months in ACR for refusing housing (Administrative Cell Restriction). Not once was I ever demoted below 94 custody. Now they got me here at the Atiles Unit, and the same day I sent the letter [1/10/2018] to the UCC who got me. The letter informed the UCC I was refusing the UCC out of fear ^{for} safety and requested an escort camera before going to the UCC. I have not made commissary since 12/14/2017. When the SOB was making store and inmates IO cards and commissary list were picked up on 12/25/2017, the commissary sent our IO [S] back that afternoon and [telling me] they would run us on 1/11/2018. The commissary jacked (refused to let go) whole building for a policy mandated spend (the spend was from 12/21/2017 to 1/4/2018). New spend was 1/10/2018 [when I was moved to 12 Building].

On information and belief all the foregoing attachments to Page 2 are true correct for all other information and facts alleged and attested to in this lawsuit are.

Frank Wiggins, Plaintiff
January 16/2018

Note: (A) I refused housing on the Wynne Unit on life endangerment grounds.

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☒ YES ☐ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Frank Digges / 3060 FM 3514 / Beaumont, TX - 77705

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Kourtney Hadnot / sergeant / Stiles Unit
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I threatened to file a grievance on Hadnot / she retaliated by filing false disciplinary charges against me / denied me my property without the process of law / haden-

Defendant #2: Schuler Lewis / Major / Stiles Unit
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Transferred from Pitt Lewis Unit in December 2011 on a life endangerment (LID) against Lewis / conspiracy with Huntsville officials to have me transferred to the Stiles for his reprisals and harassment / failure to act and intervene.

Defendant #3: Wayne Brewer / Senior Warden / Stiles Unit
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. Was then

senior Warden at the Stiles Unit failed to act or intervene after I put him on notice by way of copy of seven page letter I mailed to the Court on my LID claims.

Defendant #4: Lance Knud / Captain over disciplinary (disciplinary hearing officer) Stiles
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

denied me fair and impartial decision maker during ~~such~~ major disciplinary hearings / engaged in official oppression and conspired with other prison officials to retaliate against me.

Defendant #5: Toby Powell / Major / Stiles Unit
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

indifferent toward my LID claims because of my LID against staff / issued impermissible criteria that endangered my life.

Defendant #6: Antionette Manuel / Counsel substitute / Stiles Unit
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe: Ms. Manuel lied to have me excluded from disciplinary hearing / tried to deny me exculpatory evidence / engaged in conspiracy with other hearing officials to find me guilty of disciplinary charges that ultimately would expose me to imminent physical harm of released to pop - ^{Rec. 0515} ultion she also denied me due process.

V.

STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

Claims

The nature and substance of this § 1983 Complaint is that unit officials and regional director office officials carried out a campaign of harassment, retaliation and indifference to me and my request for help when writing them numerous I-602's (official request) and grievances that endangered my life and safety and caused me to be wrongly punished, deprived of property, placed in a continued state of fear, anxiety and depression in violation of my first, fifth, eighth and fourteenth amendment rights to the United States Constitution and in violation of state law and prison policy. This complaint will also reveal the pervasive corruption which exist within the Texas Department of Criminal Justice and which exist in its grievance and disciplinary process, procedures and practices and of the Department's false VI. RELIEF: Claims of enforcing its policies and edicts and inmate safety and protection even at the Stiles Unit part of its retaliatory and oppressive actions toward its prisoners. State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

injunctive/declaratory relief and monetary damages against defendants where evidence will ultimately show monetary damages to be appropriate and right and injunctive/declaratory relief to be appropriate and necessary to correct the problems VII. GENERAL BACKGROUND INFORMATION: and Constitutional violation[s].

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

No other name but my real name Frank [Rob] Digges.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

272032 (first prison number); # 473881 (current prison number).

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? N/A YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? not that I recall. YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: 1/26/2018
DATE

Frank Digges Frank Digges
Frank Digges
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 26th day of January, 20 18.
(Day) (month) (year)

Frank Digges Frank Digges
Frank Digges
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

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Attachment to Page 3

Claims

Defendant #7: M. Blalock / Regional Director / Region III

400 Darrington Road / Rockwall, TX - 77583

Briefly describe: As Regional Director and reviewing disciplinary appeals and grievances at the Step 2 level he failed to take corrective action and intervene regarding my LID and safety issues and concerns and to reverse the false and invalid disciplinary cases subject to his direct review and authority / which ultimately put my life and safety endangers by / as evidenced by the retaliation, harassment, indifference and hardships I am under and experiencing now at the hands of Stiles Unit prison officials.

Defendant #8: Jared O'Neal / Sergeant / Stiles Unit

Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe: As a block supervisor he discriminated against me and showed favoritism to a black SS / inmate worker of his named Atory Manuel / Samuel who I told O'Neal that Manuel threatened me / and which O'Neal was a witness to / O'Neal also harassed and retaliated against me for coming to him with the threat alleged against Manuel / and violated prison policy by doing the OPI in the incident which he was a witness to. O'Neal also told me at the time the OPI was initiated I would not be transferred / he endangered my life and safety by his biased and discriminatory actions toward me and by not withdrawing himself from investigating the OPI (see govt. # 2017169483 / Step 1 and Step 2 appeal / heretofore).

Defendant #9: Felicia Davis / grievance investigator III / Stiles Unit

Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe: This grievance investigator (G-I) coordinates, investigates, reviews, recommends to the Warden the action should be taken in grievances filed by inmates at the Step 1 level on the Stiles Unit. Defendant Davis intentionally and arbitrarily stalled, hindered, delayed and obstructed my [See second Attachment to Page 3]

Second Attachment to Page 3
Claims

ability and purpose in pursuing the grievance process against prison officials, including high ranking prison officials, at the Stiles Unit. Ms. Davis also discriminated against me as an inmate and could not be fair, impartial or neutral toward me as my valid claims and denied me my First Amendment Constitutional right to petition the government for redress with my grievances and denied me my fourteenth amendment right to equal protection under the law / and engaged in official oppression against me.

Defendant #10: Nashawn Jones / grievance investigator 11 / Stiles Unit
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe: This C/I coordinates, investigates, reviews, recommends to the Warden the action should be taken in grievances filed by inmates at the Step 1 level on the Stiles Unit. Defendant Jones intentionally and arbitrarily, stalled, hindered, delayed and obstructed my ability and purpose in pursuing the grievance process against prison officials, including high ranking prison officials, at the Stiles Unit. Ms. Jones discriminated against me as an inmate and could not be fair, impartial or neutral toward me as my valid claims and denied me my First Amendment Constitutional right to petition the government for redress with my grievances / my fourteenth amendment right to equal protection under the law / and engaged in official oppression against me.

Defendant #11: Montrae Chretien / Clerk 11 / Stiles Unit
Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Briefly describe: Ms. Chretien is a clerk at the Stiles Unit whose job responsibilities include retrieving and picking up grievances from inmates housed in the Security Office Building (SOB) at the Stiles Unit... she intentionally and arbitrarily stalled, hindered, delayed and obstructed my ability and purpose in pursuing the grievance process against prison officials, including high ranking prison officials, at the Stiles Unit, including losing or throwing away grievances I personally placed in her hands /

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Third Attachment to Page 3Claims

and denied me my First Amendment Constitutional right to petition the government for redress with my grievances and denied me my fourteenth amendment right to equal protection under the law and engaged in official oppression against me.

Defendant #1: Anita Breaux (pronounced Bro) / 12 Building property room supervisor / Stiles Unit / 3060 FM 3514 / Beaumont, TX - 77705

Defendant Breaux is the 12 Building property room supervisor at the Stiles Unit. She refused to return my radio to me even after it had been verified the radio was my radio and the Warden's edict ^{grievance} [response] instructed for her [to] she did this without giving any documented justification or prison policy she was relying on authorizing her to confiscate and keep possession of my radio and without due process of law / she also did this in retaliation to my filing grievances against prison officials at the Stiles Unit and because these officials were hostile toward me and did not like me, including Major Scheuler Lewis and Sergeant Courtney Hodnot / Ms. Breaux denied me the right of equal protection under the law and my First Amendment Constitutional right to be free to petition the government for redress with my grievances without fear of harassment, retaliation or reprisal / she also engaged in official oppression against me.

Defendant #2: David Conley / field lieutenant / Stiles Unit
3060 FM 3514 / Beaumont, TX - 77705

Defendant Conley ordered me to move from the Security Office Building (SOB) / where I had been housed the previous ^{six} months refusing housing in population on life endangerment grounds and concerns for my safety. Conley came to my cell in the SOB on three successive days with three different housing assignments each time ordering me to move in January 2018. Each time Conley ordered me to move I told him I refused to move because my life would be endangered in population by both staff and inmates. I explained

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Fourth Attachment to Page 3Claims

that I had an enemy living next door to me [John Juan Rogers inmate] who had stolen my radio, who was also g 4 custody as I was, and that Rogers and me could not be housed on the same building (7 Building where g 4 custody is housed on the Stiles Unit). Conley was also attempting to move Rogers to 7Bkg. I explained to Conley that I had filed grievances regarding staff and inmate life endangerment / retaliation concerns. Conley did not do an offender protection investigation (OP) on me for any of the ^{as required by policy} three housing assignments he gave me / wrote me a disciplinary case that is pending at this time. Conley used the housing assignments to carry out a retaliatory animus born from the grievances and confrontations I have had and filed on unit officials / he deliberately and arbitrarily endangered my life / safety in the process as well as filed a false disciplinary case on me he knew or should have known I had a valid reason to refuse housing in population / and violated my First Amendment Constitutional right to petition the government for redress with my grievances without fear of harassment, retaliation or reprisal / he also denied me equal protection under the law / and engaged in official oppression against me.

Defendant #14: Aaron Tompkins / assistant Warden / Stiles Unit

3060 FM 3514, Beaumont, TX - 77705

Defendant Warden Tompkins was the signature authority in grievances I have filed and the head authority in three UCCP (Unit Classification Committee) concerning my life endangerment / retaliation claims and the Warden who issued the grievance response (edict) for the property room officer to return my radio. On information and belief Tompkins retaliated against me for my filing grievances against prison officials, including former Major Leiras, who I may or may not had anything to do with his (Leiras) being fired and his employment terminated with the prison system / by Tompkins failing to intervene and take corrective action against the 12 Building property room officer (Breux) regarding my radio / and by his indifference to my life

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Fifth Attachment to Page 3Claims

endangerment/retaliation claim[s] and giving tacit approval of the same] he violated my first amendment right to petition the government for redress with my grievances without fear of harassment, retaliation or reprisal/he also violated my right to due process and equal protection of the law under the fifth and fourteenth amendments to the United States Constitution by allowing my property [namely, a radio] to be illegally withheld from me by his subordinate officer Anita Braxx/he also engaged in official oppression against me by personal knowledge or tacit approval leaving me living next door for months to a known and documented enemy who had stolen my radio and headphones/endangering my life and safety in the process/Defendant Tompkins' actions were deliberate, arbitrary and capricious and with the intent to hurt or harm me.

Defendant 15: B. Barnett / Regional Director / Region III

400 Darrington Road / Rockport, TX - 77583

Defendant Barnett as regional Director reviewing disciplinary appeals/grievances at the Step 2 level/he failed to take corrective action and intervene regarding my valid LIO and safety issues and concerns and to reverse the false and invalid disciplinary cases subject to his direct review and authority/which ultimately placed my life and safety at risk/and which I was wrongly disciplined for/as evidenced by the retaliation, harassment, indifference to my pleas for help and hardships I am now under and experiencing at the hands of State Unit prison officials.

Defendant 16: Steve Massie / Regional Director / Region III

400 Darrington Road / Rockport, TX - 77583

Defendant Massie as Regional Director reviewing disciplinary appeals/grievances at the Step 2 level/he failed to take corrective action and intervene regarding my LIO and safety that was under his direct review and authority/which ultimately put my life and safety endangers and which his failure to intervene and take corrective action encouraged unit officials in their continued indifference and callous disregard to my claims of LIO/retaliation/harassment... On information and belief defendant Massie is biased and prejudiced toward prisoners in general and rarely intercedes for them.

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Ninth Attachment to Page 3
Claims

Defendant #17: Rockella Neal / Major 12 Building / Atiles Unit

3060 FM 3514 / Beaumont, TX - 77705

Defendant Neal is a major / whose job responsibilities include supervising all staff assigned to 12 Building... I was taken out of my cell by sergeant Tabitha Canady on 1/11/2018 / escorted to the front office in 12 Building to write an LIO statement / while with Sgt. Canady officer Terry Cormier shook my cell down and confiscated much of my property / including property he was not authorized to take / Cormier told me he confiscated my property on orders from lieutenant Robert Bowman / who told him I was on Special Cell Restriction (SCR) / Cormier did not give me a confiscation sheet or inventory sheet of my property / I picked the food slot on my cell door to get a supervisor to the pod to report Cormier taking my property and not giving me the paperwork after / Sgt. Canady came to investigate / after talking with Canady about the problem she left / she did not bring or give me the paperwork either / I spoke to Major Neal about this 1/12/2018 / and also gave her an I60 on all the above / she told me she would look into it / the major didn't give or bring me the paperwork [confiscation / inventory sheet] either / on my property back officer Cormier wasn't permitted to take / On 1/12/2018 an unidentified officer picked my ID up as he was picking up trays following breakfast. I gave the officer my ID [with my commissary list wrapped around my ID] thinking the pod was going to the store / no store was run that day and this officer did not bring my ID back / I've talked with numerous supervisors about the matter / Sgt. Cortes / Sgt. Alfred / Sgt. Brown / Sgt. Lavine / Lt. Pullard / Sergeant [S] Cortes and Alfred told me they would check the video to determine the officer's identity / I wrote Major Neal about it on 1/22/2018 / as well as inquiring again about my property / I also wrote the Unit Office of Inspector General (OIG) 1/23/2018 asking the OIG to open up an investigation about my ID card / Defendant Neal is retaliating against me because of my legal activities against prison officials [including former Major Schepels Lewis] and sergeant Courtney Hodnett / [and property room officers for 12 Building Anita Brown] who illegally has kept possession of my radio /

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Seventh Attachment to Page 3Claims

that I first talk with Major Neal about on 12/5/2017, while I was still in the SOB/ and spoke to defendant Neal again about during the time I was with Sgt. Canady giving her the LIO statement on 1/11/2018, when Neal came into the office where we were and which I gave Major Neal the I60 about (on the property that officer Cormier took) in front of my cell on 1/12/2018... Defendant Neal violated prison policy and my first amendment rights by withholding my property without due process of law/ or failing to intervene and take corrective action to restore property she personally knew and was aware of had been illegally and arbitrarily taken and kept from me.

Defendant 18: Grace Ekeke / and her subordinate officer Rodney Simon / States Unit

Defendant Ekeke is the law library supervisor over the law library at the States Unit / Defendant Simon is her subordinate officer who works directly with and under Ms. Ekeke / 3060 FM 3514 / Beaumont, TX - 77705.

Defendant Ekeke as law library supervisor denied me requested law library materials and personal records I intended to use for litigation purposes over a period of several months that ultimately stalled, hindered, obstructed and cost me valuable time in my having all the information I needed from the records and legal material [case law] to pursue this lawsuit / Defendant Rodney Simon, as Ms. Ekeke's subordinate officer working under her direct supervision, is as well responsible and guilty of these claims in being duplicitous with his superior [Ms. Ekeke] in violating my first amendment right [8] to access to the Courts. Additionally, over this course of time

covering several months / especially from and during the time of October 2017

thru January 2018 / Defendant [8] Ekeke and Simon began retaliating against me for my legal activities against the high ranking officials at the States Unit [including former Major Bechtle, Lewis] through information and knowledge they received from the records I requested of them in all these matters. Ms. Ekeke and Mr. Simon denied me repeated request for the certification of my trust fund account

and the forma pauperis oath application for mail and filing my lawsuit in January 2018.

Note: Defendant Ekeke also denied me essential legal supplies she had the authority to provide by prison policy. Defendant Simon also told me I had to give him my lawsuit in an unsealed envelope for his mailing for me.

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Eighth Attachment to Page 3Claims

Defendant 14: Laurie McCord / Counsel substitute / Stiles Unit

3060 FM 3514 / Beaumont, TX 77705

Defendant McCord [formerly a grievance investigator and clerk II] conspired with hearing officials [namely, Captain Lance Knox and Counsel substitute Antonio Manuel] to have me excluded from at least 2 disciplinary hearings where I was being tried on refusing to house cases. She as well as CS Manuel on successive days January 5/2018 [which was a Friday] and January 8/2018 came to my cell door in the SOB to serve me with another refusing to house case [Disc. case # 20180119275]. First, in serving me this case, as the case CS Manuel served me with on the 5th, both lied and said I refused to sign the case paper [I-47MA form] in complying with due process. CS McCord also refused to accept documentary evidence from me in the form of a 2 page written statement on my LID / retaliation claims / a witness list requesting 3 witnesses / and a 1 page records request for my defense / McCord told me to bring the documentary evidence to the hearing / when I told McCord she needed to accept the 4 pages of documentary evidence before the hearing [even the 24 hour notice period] to investigate the documentary evidence, requested witnesses and obtain the requested records she did not respond back. She did not even leave me with a copy of the case paper / after she was out of sight I hollered after her to give me my copy of the case / she sent Officer Emeka Ezekechi (pronounced Easy-A-CA-chi) back with it (the case paper). Officer Ezekechi is a regular SOB officer and saw and heard and witnessed this whole situation with CS McCord this day / as did regular SOB officers Jorray or Jonette Lewis with CS Manuel a couple days before [on the 5th] when Manuel refused me due process and lied and said I declined to sign for the case. I should explain here when CS Manuel came to my cell to serve me this case (Disc. Case # 20180116322) I told her she should not be serving me the case and I would refuse to allow

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Ninth Attachment to Page 3

her to represent me in the disciplinary hearing as a conflict of interest existed between us with my wrongly [and by cheap tricks of the hearing officials] was excluded from the hearings. There was also no OPI done by CS Manuel. All named defendants acted in their individual and official capacity and under color of state law.

Supporting facts of China

Defendant 1 [#]: Courtney Hadnot retaliated against me by filing a false disciplinary case on me [threatening to inflict harm on an officer] because I promised to file a grievance on her if she did 'nt take care of a problem she told me she would by doing something about the black inmate who attempted to exercise authority over me named Stacy Samuel or Manuel / whose job is an SS1 (support service inmate). Hadnot also testified at the disc. hearing she told me she would take care of the problem (Samuel / Manuel). But didn't do anything to him... As a result of the false charge and conviction I lost 2 line classes (from 23 to 21), received 45 days cell, rec, commissary, telephone restriction and was kept 30 days in lockup confinement in the SOB. I also had a pending transfer cancelled and I was removed from the college program (Lee College) I was being transferred for to enroll in. I had been waiting 5 months for the transfer. Hadnot also put my life / safety at risk by not doing something about Samuel / Manuel. After going through the disciplinary Hadnot put on me / I was released from the SOB June 28 / 2017. Within 7 days after being released from the SOB Samuel / Manuel would threaten to physically assault ^{me} 3 times. The third time I went to Sgt. Jared O Neal and reported the threat. O Neal locked me back up at that moment (July 6 / 2017) and placed me in OPI status. I have been housed in the SOB [refusing housing on life endangerment grounds] ever since. (See disc. case # 20170291371 and qv. # 2017153166 in regards to these claims). Hadnot also attempted to steal / lose my four bags of property by not inventorying my property according to policy (she left over half my property off the in-

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Tenth Attachment to Page 3
Supporting Facts of Claims

ventory sheet), which I refused to sign the inventory sheet for that reason. Had not also violated policy by withholding property from me that I was allowed to have (i.e. legal, writing, reading material, commissary and hygiene). I didn't receive my allotted property until four days later when a lieutenant named Jonathan Joseph got it for me. (See property gv. #20107150121 in regards to these claims). Officers and supervisors routinely and arbitrarily violate policy and withhold inmate property who are locked up and housed in the SOB regardless of the status the inmates are initially placed in the SOB (i.e. prehearing detention/offender protection investigation/transient overflow/protective custody/transfer status). The Warden[s] in responding to grievances filed also regularly violate property policy/deny property policy is being violated/and take no corrective action. (See grievance[s] #2015089558; #2015130715; #2015132422; 2016006376). Had not violated prison policy and my fifth and fourteenth amendment rights by withholding my property without due process.

Relief Requested

I ask for ~~thirty~~ ^{thirty} thousand dollars (\$30,000.00) in compensatory and punitive damages from Defendant Hadnot to compensate me for what she took from me in her false disciplinary charge and to punish and deter her and other officers from filing false claims against inmates and to deter from ^{her} ~~her~~ retaliating against inmates for filing grievances or threatening to file grievances against her. I further ask the Court to reverse and expunge from my records as well as restore my 2 line classes taken from me in the false charge Hadnot filed on me and which I was ultimately wrongly convicted of (see disc. case #20180117275).

There was no loss of good time in the case... I further requests a declaratory judgment and injunction enjoining Stiles Unit Officials to stop and desist from withholding inmate property locked up in the SOB that by prison policy and the United States Constitution they are allowed to have & to stop and desist from withholding inmate property for days and weeks at times as

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Eleventh Attachment to Page 3
Supporting Facts of Claims

is the custom of the Stiles Unit administration to do. I have no plain, adequate or complete remedy at law to redress the wrongs described herein.

I have been and will continue to be / as well as all other inmates in lockup confinement in the SOB / irreparably injured by the on-going property violations unless this Court grants the declaratory and injunctive relief asked for. I also ask for any other additional relief this Court deems just, proper, and equitable.

Defendant #2: Scheyler Lewis / Former Mayor / Stiles Unit

Defendant Lewis was fired and is no longer employed by the TDCJ.

Address: Bureau of Information / Huntsville, TX - 77340

Defendant Lewis endangered my life / safety while we were both at the H&B Lewis Unit in 2011. In November of that year I wrote a LIO statement against Lewis for making loud remarks about me to a dayroom full of black gang members. Lewis is also black. The LIO statement was sustained by the UCC reviewing it (Warden Frank Helms, chairman), and I was transferred from the H&B Lewis Unit on December 6/2011. . . In April 2013 I was transferred from the Wayne Scott Unit to the Terrell Unit, where Lewis had a close relative working named Tony Lewis. I mentioned the family relationships between the 2 Lewis to Warden Robert Beard the first day at my first UCC at the Terrell Unit. Beard told me he knew Scheyler Lewis personally, even calling him by his first name, and that Scheyler and Tony were close relatives. I explained what happened at the H&B Lewis Unit to Beard (the 3 member panel of the UCC), and that I felt my safety to be at risk on a unit with a close relative of Scheyler Lewis. And requested transfer. The UCC, tentatively, approved the transfer. After several weeks in special housing, I was told to move to population on May 20/2013. I refused on LIO grounds. The next day (May 21) I was taken to another UCC with Warden Beard / who told me Huntsville denied "their" request (recommendation) to transfer me / due to the transfer from the

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Twelfth Attachment to Page 3
Supporting Facts of Claims

Gib Lewis Unit being because my life was endangered by CRIPS and BLOODS (prison disruptive groups [S]/gangs) and not by staff (Lieutenant, as he then was, Schuyler Lewis). When I suggested to Beard to get a copy of the LID statement I wrote against Lewis that led to the transfer from the Gib Lewis, he ignored the suggestion. One of the UCC members told me, "we aren't going to do that" (get a copy of the LID statement)... I subsequently refused housing on the Terrell Unit 5 times (from May to September) / when I was demoted from g2 (minimum) custody to g4 (medium) custody. Therefore, by policy, since the Terrell Unit is an all minimum security facility, requiring Huntsville to transfer me. I was transferred to the Wynne Unit September 19/2013. Where I refused housing 13 times due to LID and my being told by unit officials I would be housed on the Wynne Unit sole g4 wing (A1), where there would be CRIPS and BLOODS. I was told by these Unit officials there was no place they could house me on the Wynne Unit in population where there wouldn't be CRIPS and BLOODS. While at the Wynne Unit I spent 12 months in administrative cell restriction (ACK), where I was allowed only minimal property and no commissary. I was subsequently transferred to the Stokes Unit, my second time to the Stokes Unit, in November 2014. While at the Wynne Unit I filed numerous grievances and LID statements against Lewis [and the CRIPS and BLOODS] including disciplinary appeals. In 1999 and 2000 I was on the Stokes Unit and transferred from the Stokes to the Allred Unit in December 2000 after being cuffed on and beat up by black gang members (Mandigo Warriors) in a dayroom at the Stokes Unit. Because of this violent incident alone I should not have been transferred back to this Unit, somehow I was... I first became aware of Schuyler Lewis on the Stokes Unit my second week there, he was still Lieutenant. By the summer of 2016 he was a major. I've had four face to face encounters with Lewis ^{on} this unit with him [redacted] / none of these encounters good. Each of these incidents he either cursed, threatened or was harassing. The last confrontation

Thirteenth Attachment to Page 3

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Supporting Facts to Claims

with Levias occurred October 9/2017 when he came to my cell door to harass me about a small ^{string} line I had up in my cell to hang my wet towel to dry. You could not see the lines from the hall in front of my cell. An hour later Levias came by my cell again accompanied with counsel substitute (CS) Hamilton / I had given Ms. Hamilton an LIO statement on Levias when she served me with a refusing to house case on 10/4/2017, she also placed me in OP status... On 10/16/2017 I mailed to this ^{Court} a 7 page letter outlining my LIO claims against prison officials [and other claims], that I sent Stiles Unit Senior Warden Wayne Brewer a copy of via free world mail. I explained in the letter I was not ready to file the 1983 Complaint yet as I still had administrative remedies to exhaust, but I sent the letter to the Court to put some protection on myself as my life/safety was in imminent danger and risk being retaliated against by prison officials was expected. This Court [Clerk] returned the letter to me with the instruction to file the letter [with a former pauper's application] when I filed my lawsuit. Levias graded two disciplinary cases (disc. case[s] #2017029137 / #20170344829) that he should have recused himself from grading as he had recused himself from sitting on any and all UCC[s]. I have went before since being lock on the Stiles Unit. The retaliatory animus was born at the Lib Levis Unit / then metastasized as I refused to be housed with his close relative Tony Levias on the Terrell Unit / and the LIO claims (statements) I wrote on Levias there / and the grievances I filed there / and the Wynne Unit and Stiles Unit / it would seem to be against ^{proper} prison policy and good sound prison management and practice to transfer me to a unit [the Stiles] where in two years after my return there, Levias would rise to the high rank of major. On information and belief I believe Levias being fired from the prison system had a lot to do with the 7 page letter I sent to the Court that I sent Warden Brewer a copy of October 16/2017. I should not remain at the Stiles Unit or in the Beaumont area within Levias's ability to retaliate against me through the employees and connections he has

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Fourteenth Attachment to Page 3Supporting Facts of Claims

here at the Stiles Unit. On information and belief, Lerias, through his connections in Huntsville [and at the Wynne Unit] had me transferred to the Stiles Unit for his reprisal. . . . Stiles Unit is a worse and more dangerous prison than the Wynne Unit / Lerias having me sent to the Stiles Unit then is an adverse act. (See qv. #2015134339; qv. #2018023758; qv. #2012050834; qv. #2015150162).

Defendant 3: Wayne Brewer / former Senior Warden / Stiles Unit

December 2017 Wayne Brewer left the Stiles Unit and is no longer Warden there.

Address: Bureau of Information / Huntsville, TX - 77340

Defendant Brewer was put on notice and made aware of the imminent danger of serious physical injury [and] the retaliation and harassment by prison officials under his authority by way of the 7 page letter I wrote and sent to the Court on October 16/2017 [that] I sent Warden Brewer a copy of the same day. Though Warden Brewer has left the Stiles Unit and is no longer employed at the Stiles since sending him the copy of the 7 page letter / my physical safety continues to be at risk / and the retaliation and harassment as well as the indifference and callous disregard to my pleas for help continue and are only growing worse and are on going. Some of the adverse action[s] above would not have taken place or be on going and continuing today if Warden Brewer would have taken corrective action / and especially would have ordered me transferred / as the evidence and documented record of the possible life endangerment / and plain and clear retaliation warranted from to. On information and belief Warden Brewer was senior Warden at the Stiles Unit early December 2017. . . . I first recall seeing the new head (senior) Warden M. Crow on December 8/2017, when he walk past my cell in the SOB and I called his name to speak with him. Warden was less than 15 feet from me, and I was quiet, when he just ignored my calling his name. I thought about writing him a letter via free world mail / as I did Warden Brewer / but decided not to out of fear from the retaliation.

Defendant 4: Lance Knoll / Disciplinary hearing officer / Stiles Unit

3060 FM 3514 / Beaumont, TX - 77705

Note: the 7 page letter to the Court on October 16/2017 was actually signed and dated by me October 14/2017. The letter was mailed the 16th and is included with the filing of this lawsuit as an exhibit.

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Fifteenth Attachment to Page 3
Supporting Facts of Claims

Defendant Kned has tried and found me guilty on six major disciplinary cases [3] as of this date (January 13/2018). ~~the~~ six cases in order as I was charged with them are: disc. case # 20170291371 offense code (OC) 04.0 [threatening to inflict harm on an officer] the case was graded a major case by Major Stephen Lewis; ② disc. case # 20170344829 (OC) 24.2 [refusing housing] the case was graded a major by Major Stephen Lewis; ③ disc. case # 20180029655 (OC) 24.2 [" "] the case was graded a major by Major Danny Landrum; ④ disc. case # 20180116322 (OC) 24.2 [" "] it was graded a major by Major Danny Landrum; ⑤ disc. case # 20180117274 [OC] 24.2 [" "] the case was graded a major by Major Danny Landrum; ⑥ disc. case # 20180119405 (OC) 24.2 [" "] the case was graded a major by Major Danny Landrum... Disc. case # 20170291371 offense date was May 30/2015, it was written by Defendant #1 Courtney Hodnet. It was my first major case since arriving on the States Unit November 08/2014. Defendant Kned found me guilty of the Codes 04.0 Charge and imposed punishment at loss of 2 line classes (from S3 to L1) and 45 days restriction [5] of recreation, commissary, telephone privileges (OT3), and cell restriction. There was no good time taken... Defendant Kned denied me non-frivolous evidences such as video evidence and cross-examining the charging officer (Defendant Hodnet) or explaining how she felt threatened that I was going to physically assault her, and in describing my demeanor or action that made her feel threatened. This defendant refused to allow me to question Hodnet on what my temperament and countenance was at the time she said I told her "I'm going to make you remember this". And even if those were my words to her, which I testified at the hearing they weren't, the question as to what my demeanor was at the time I made the alleged statement that made her feel threatened was fundamental toward establishing I was mad and angry enough to hurt her. When the counsel substitute served me this case (CS Manual) I asked her to review and obtain the video evidence of this incident / and whether not under prison

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Sixteenth Attachment to Page 2
Supporting Facts of Claims

policy Hadnot was required to call for an escort camera before removing me from my cell, placing me in handcuffs, and then in walking me 200 yards to the Unit Infirmary for the PHD physical. The CS told me she did not know what the protocol was for the escort camera and told me she did not think the video was relevant. I explained to the CS, though the video had no audio capability to hear any words that were said between Hadnot and me, it would show Hadnot placing me in my cell and everything was peaceful and less than 3 minutes later opening my door and placing me in handcuffs after I made the alleged threat. The video would show I was calm, cooperative and never said one word to her while she placed me in handcuffs and took me to the infirmary and then PHD afterwards. Before going into the hearing I asked CS Manuel did you obtain the video evidence. She said what video evidence? and told me she did not recall my asking her to obtain the video. She also told me she did not recall ^{my} asking her to check on the policy ("protocol") on the escort camera. Defendant Knod denied the video due to I did not request it at time of service of process (when CS served me the case) and due to the video not having audio capabilities. Defendant Knod also stated at hearing and in his written hearing remarks that I could have sent CS Manuel a request through the internal unit mail system requesting the video. However, Defendant Knod's reasoning on this is moot when CS served the case on June 2nd/2017 and I went to hearing on June 5th/2017. And CS served case at 10:25 AM on the above date. ~~the mail~~ The mail had already been picked up. And there was a weekend in between, the 2nd of June 2017 fell on a Friday. Finally, there was 2 other witnesses to this incident: (1) my cell partner Pat Gilliland #242535/ who was present in the cell with me when Hadnot opened my door to let me in my cell and heard and saw the whole matter. I did not call Pat as a witness to protect him from retaliation. (2) Witness B was officer Wilbert Chotkin who called for a supervisor when I of. Hadnot came to investigate the SS1 Manuel or Samuel trying to exert authority over me. Chotkin's statement permitted as evidence in the hearing/

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Seventeenth Attachment to Page 3Supporting Facts of Claims

corroborated with my version of the facts and what was actually said between the charging officers (Hadnot) and me, though defendant Knod claimed otherwise in his summation of the evidence relied upon and his written remarks in the case I-47 form. Hadnot told me she would take care of the problem (the SS1 Manuel/Samuel). Which she stated on tape at the hearing. I told her if she did not take care of the problem, "I promise you I'm going to file a grievance on you/on the matter." After I promised to file the grievance, and I did so because officers are such liars about telling inmates their going to do something and then not doing it, she accused me of threatening to physically hurt her. And Hadnot never did do anything about the problem (Manuel/Samuel). Who a month after this incident on May 30th/2017 (after being release from the SOB) would threaten me 3 more times and cause me to have to leave population. Step 1 and Step 2 were exhausted /points on appeal [Step 1] ① Denied adequate counsel and assistance by CS Manuel ② Denied documentary evidence (Video) ③ Denied fair and impartial decisionmaker (see of. #2017153166). On July 6/2017, because of SS1 Manuel's threats, I was placed in the SOB in OPI status by defendant #8 Jaron O'Neal, [REDACTED] (see claim against him Attachment Page 3). I began refusing housing in population for fear for my safety (LID) after Sgt. O'Neal's OPI and the UCC (headed up by Major Toby Powell) denied my request for a transfer. Over the next 6 months I was housed in the SOB (from July 6, 2017 to January 10, 2018 /when I was moved to 12 Building) I renewed past claims of LID and retaliation against Major Devias through grievance and UCC process and added new claims against other prison officials of LID/retaliation as there animus was born and escalated over time. Defendant Knod when trying me on the next 2 disciplinary cases that he did for refusing housing (Disc. case [3] #20170344829 / #20180029655) engaged in a conspiracy with CS Manuel and CS McCord to exclude me from the above hearings. CS McCord served me with the first code 24.2 on 7/24/2017 /then served me with the same case 3 days later showing the same date and time of service from 7/24/2017 7:35 AM.

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Eighteenth Attachment to Page 3
Supporting Facts of Claims

with no documented justification for it. At times of service on 7/24 I gave CS McLeod documentary evidence in the form of a written statement on my LIO claims, a request for witnesses (there was 3 requested witnesses) and a request for records. In defendant Knod's ^{written} remarks ~~in~~ the hearing (I-47 form) there is no mention or documentation of my documentary evidence [i.e. written statement on my LIO claims, request for the 3 witnesses, and request for records]. . . Defendant Knod opened the hearing on 8/2/2017 with CS Manuel replacing CS McLeod as my Counsel substitute. As the hearing began [and with the tape running] after Knod's inquiring whether I had discussed the facts of the case with CS and I told him no, Knod told CS Manuel to take me outside the office where the hearing was being held and discuss the case with me. Knod turned the tape off as soon as I told him I had not discussed the facts of the case with CS Manuel. I told Knod I objected to CS Manuel representing ^{me} to the conflict of interest in the Badmat case she represented me on recently in which she lied about requested evidence I asked her to obtain for that case (the video). And I now had no confidence or trust in her and I requested to represent myself. Knod then told my escort to take me back to my cell (my escort was SOB officer Garay or perhaps ~~Garay or perhaps~~). Knod did not say or tell me anything when removing me from the hearing. On 8/7/2017 I was escorted back to the hearing (SOB officer Johnnie Daws was my escort). Standing at the office door waiting for me was CS Manuel. Capt. Knod, with the office door closed, was inside sitting at his desk reading. The office door had clear glass I could see inside. CS Manuel said she was going to explain the procedure in representing myself in the hearing. I listened showing courtesy and patience. CS Manuel asked me if I wanted her to read the statements of my witnesses in the hearing. I answered No. And further told her I did not want her counsel or assistance in the hearing. The CS then opened the office door and told Knod I was not cooperating with her. Without saying or asking me anything he (Knod) told my escort to take me back to my cell. . . I sent a written request to the Counsel substitutes Office asking to listen to the disciplinary hearing tape of this bifurcated

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Nineteenth Attachment to Page 3Supporting Facts of Claims

disciplinary hearing and requesting a copy of the hearing record. I received neither. I sent the request for the above in the form of an I60 on 8/10/2017. I received a copy of the hearing record (months later) by buying a copy through the law library. Defendant Knod's punishment for the case (disc. case #20170344829) was 45 days restriction recreation, commissary, phone privileges, cell and loss of one line class (from L1 to L2). There was no good time taken in this case. Steps 1 and Step 2 grievance appeal were exhausted / points of appeal [Step 1] ¹ retaliation by unit and hearing officials in prosecuting and trying the case and confining me before and after being found guilty in disciplinary status and restriction] / ² Bias and prejudiced by ranking authority who graded the case a major case (Major Achyule Lewis) / ³ Improper procedure in serving me the case twice within 3 days with the same date and time of day on both cases with no documented reason or justification for this / ⁴ conspiracy and collusion by hearing officials (Knod, Manuel and McCard) to exclude me from the hearing process [and they did this twice / on 8/2 and 7/2017. And I proffer here, if I was excluded from the hearing on 8/2 for allegedly being argumentative and disruptive, why was not the hearing concluded that day? Why open the hearing again on 8/7/2017 with CS Manuel waiting for me at the officer door? / ⁵ Lack of the [preponderance of the evidence] At the time of filing this appeal I believed Sgt. O Neal confirmed the threat to my safety. I found out later he did not. Still, the documented record of my L10 / retaliation claims / and Sgt. O Neal confirming there was a confrontation between SS/ Manuel and me / and Major Powell / also confirming that confrontation at the UCC on [7/10/2017] the evidence was lacking as to be no evidence. (See go. #201719200)... This second case 24.2 (disc. case #20180029655) is almost an exact replica and repeat from the case 24.2 before it (disc. case 20170344829). One thing different was a new counsel substitute who served the case (Maureen Hamilton). And also now was a inmates who ~~became~~ became threats to my safety since the first OP/ was done on me by Sgt. O Neal (John Jason Rogers and David Hatcher). Proper procedure and TDCJ policy should have required the OP/ to be done first

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Twentieth Attachment to Page 3
Supporting Facts of Claims

and then the case filed and served. Further, because the case was processed through and served on me before investigated by doing the OPI the case should have been null and void. CS Hamilton had me taken out of P.H.D. status and placed in OPI status. Before the OPI was complete Defendant Knod started the hearing. An absolute violation of prison policy and protocol concerning inmates claiming their life is endangered and before disciplinary can be taken against them. I reminded Defendant Knod about this at the hearing on 10/13/2017, and asked him how he was trying the case before the OPI had been completed and I went before the Warden/major on the matter. Defendant Knod then attempt to reach by phone Sgt. James Cortes [who was doing OPI]. Knod could not reach Cortes and used that as reason to postpone the hearing. Starting the hearing again 10/18/2017 I objected once more to Defendant Knod requiring me to accept CS Manuel as my counsel substitute on the same grounds as before and asked to represent myself. Defendant Knod then had me removed from the hearing and excluded from the process. SOB officer Johnnie Davis was my escort again in the hearing and taking ^{me} back to my cell. . . On Defendant Knod's written remarks on the IOP form ^{see disciplinary case # 20170344829} he writes that UCC on 7/10/2017 restricted BSI Samuel (his name is Steep Samuel) from being housed in the same cell together (NFSCA). At this UCC (Major Powell) told me he was restricting Samuel and me from being housed on the same building / we were both minimum custody (G2) at time. Later on I learned that Powell changed it to cell / rather than building lessening the threat level. One thing is certain prison officials knew Samuel had threatened me. And I knew he threatened me 3 times. Defendant Knod's punishment for the case (Disc. case [#] 20180029655) was fined at 45 days restriction recreation, commissary, telephone privileges, cell and loss of one line class (from L2 to L3). There was 10 days good time taken. Because I am doing a life sentence good time is absolutely of no help to me in shortening my sentence or increasing the likelihood of going or getting out sooner. Step 1 and Step 2 grievance appeal was exhausted.

Defendant [#] 5: Toby Powell / ~~Major~~ Major / Stiles Unit

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Twenty-first Attachment to Page 3
Supporting Facts to Claims

Defendant Powell because of my retaliation claims against his colleague Major Schuler Lewis [and other prison officials] that Powell would be privy to, he showed a callous indifference toward me and concerns for my physical safety, by denying my request for transfer at the 7/10/2017 UCC and at the UCC on 8/8/2017 even after he had substantiated I had been threatened by SSI Stacy Samuel at least once. Defendant Powell also issued an impermissible criteria in restricting Samuel and me from living in the same cell in that it does not remove the threat that this inmate [and his homobosses] to my physical safety. Based on Sgt. Hadnot's testimony at the hearing [where she accused me of threatening to physically assault her] she stated that she told me she would do something about her SSI Samuel.

Defendant #6: Antonette Manuel [continued claims from page 37] also denied me due process by lying and saying I refused or declined to sign for process (Disc. Case # 20180116322 and Disc. Case # 20180119405). I refused to let her represent me in the disciplinary hearings but I did not refuse process by her on ~~my refusal~~ refusal to sign [I did not want to waive my 24 hour hearing notice and hearings].

Defendant #7: Mr. Alalack signature authority is on Step 2 gr. appeal # 2017029135; gr. # 2017192009; gr. # 2018048049. His office of review has seen a lot of documentation, records, evidence in support of my retaliation/110 claims. He should have interviewed for me.

Defendant #8: Jared O'Neal (continuing claims from attachment page 3) he was a witness to SSI Stacy Samuel's threat to me and was barred by prison policy ^{protection} from being the supervisor to investigate the offender investigation on me (OP).

Defendant #9; Defendant #10; Defendant #11; (continuing claims from attachment pages 3, 4)

Leticia Davis; Nashawn Jones; Montrae Christen have deliberately and with evil intent manipulated the screening criteria or avoid picking up grievances in the Security Office Building to wrongly and with intentional error ~~thwart~~ thwart inmates in their pursuit of the grievance process and valid legal claims (see gr. # 2017191024; gr. # 2018023958; gr. # 2018033773 [Davis/O'Neal]; gr. # 2017187617; gr. # 2017187662 (Jones); grievance currently

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Twenty-second Attachment to Page 3
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Received No response
 back from Leticia Davis
 regarding these
 #1709
 #1709

pending against Montrae Chretien / I have placed at least 5 Step 1 grievances in her hands that were against [grieving] grievance investigator[s] Leticia Davis and Nathaniel Jones for wrongly and in error sending me back grievances unprocessed [that I never received back from the grievance office]. I wrote Davis Ibo[s] inquiring about these grievances.

Defendant 12: Amrita Breau (Continued claims from page 3 [Third attachment]).

Came to my cell door on 12/3/2017 with a nightstick in her hands and asked me, "how are you doing?" and then left my cell. I had just written her a letter informing her about Warden Tompkins' edict in g.v. #2018019831 to return my radio / I sent the letter via free world mail so that she could not deny having received it. Grievance #2018019831 has been at Step 2 since November 29/2017 - 49 days ago! I have not received any Notice of an Extension on the grievance.

Defendant 13: David Conley has now filed 3 major cases on me for refusing housing.

In each of these cases I told Defendant Conley I'm refusing housing in population because it would endanger my life and safety. I explained the most imminent threat to me at the moment was the inmate living next door to me (John Rogers) who stole my radio and headphones. Conley got smart mouth about what I told him and ~~made~~ made the remark to me, "I smell something cooking"...

I have been tried and found guilty by Capt. Knox on all three of these cases and excluded from all 3 of the hearings on these cases because CS Manuel and CS McLeod said I declined to sign ~~for~~ (refused process and wanting to attend the hearing). (See Disciplinary Case[s] #20180116322, #20180117274, #20180119405). Conley did No OTH on me.

Defendant 14: Aaron Tompkins (Continued claims from page 3 [Fourth Attachment]) I wrote

Warden Tompkins 2 personal letters sending them via free world mail on 11/17/ and 19/2017.

The first letter concerned a violation of food service policy in the SOB that Tompkins in a grievance response denied was happening (see g.v. #2017189293). The second letter was in regards to [radio] grievance (#2018019831) and his instruction in the grievance response for me to contact the property room officer (Defendant Breau) for the return of my radio and informing the Warden I contacted Breau.

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Supporting Facts of Claims

through three different officers (one was a sergeant) at the time of writing him the letter / still Defendant Breacy remained recalcitrant and would not give me my radio back / at a UCC with Tompkins 10/19/2017 he advised for me to write Major Landrum about my radio. I wrote Landrum 10/23/2017. I did not hear back from him. Spoke to Major Neal 12/5/2017 explaining to her Tompkins grievance edict. He told me she would look into the matter regarding my radio. I did not get my radio or hear back from Neal / Tompkins advised at a UCC on 10/17/2017 for me to write Security Threat Group Sergeant Clemente Espinosa about my LIO claims / wrote Espinosa six page letter 10/22/2017 / I did not hear back from him.

Defendant 15: B. Barnett is the signature authority in gv. # 2018031829 [Disc. appeal]; and gv. # 2018019831 [property deprivation / due process violation] [also indifference to my LIO].

Defendant 16: Steve Massie is the signature authority in gv. # 2017150121 [property deprivation / illegal coercion by officer]; gv. # 2017169483 [retaliation / harassment / LIO].

Defendant 17: Rockella Neal I had two face to face encounters / conversations with Defendant Neal / sent her two I 60[S] regarding my property claims / and though she has the authority to intervene and take corrective action she did nothing. *

Defendant 18: Grace Eke / Rodney Simon I sent Defendant Eke several I 60[S] and at least two letters via free world mail regarding not receiving requested law library material / records / withdrawal requests / and discussed at length all these matters with Defendant Simon in December 2017 / January 2018 / I also requested certification of my trust fund account and the forma pauperis oath application (POA) for mailing this lawsuit several times in the end of January 2018 / which Defendant [S] Eke and Simon delayed, hindered and obstructed in my filing this section 1983 Complaint with this Court. Earlier filed Step 1 and Step 2 grievance (11/8/2017) [see gv. # 2018011051].

Defendant 19: Laurie McCord exhausting administrative remedies have been exhausted through the Step 1 and Step 2 grievance process where I have grieved Defendant McCord's denying me due process and being duplicative with hearing officials to exclude me from the hearing [S] (see gv. # 2017142009 / gv. # 2017153166). *

* There is a grievance pending against Defendant Neal dated 11/21/2017.

* At least two other grievances are still pending.

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Relief Page 1

Defendant[s] Schuyler Lewis, Toby Powell, Wayne Brewer: violated my first amendment right to petition the government for redress with my grievances and to be free from retaliation for exercising that right / they also violated my eighth amendment right to be free from cruel and unusual punishment and for a safe and secure prison when they failed to intervene and take corrective action after being made aware or already knowing beforehand of a threat to my life or safety as elaborated on in detail in Supporting Facts Claims where these defendants are named and what is alleged against them is detailed and explained / I ask for 10,000.00 in compensatory damages and 20,000.00 in punitive damages against Lewis and for an ~~in~~ injunction prohibiting the prison system from placing me on one unit where Lewis may have a relative[s] employed / I also ask for compensatory damages in the amount of 1,000.00 and punitive damages in the amount of 1,000.00 against defendant[s] Powell and Brewer and for a declaratory judgment establishing the Constitutional right[s] violated against me by them. I also request an ~~in~~ injunction ordering the prison system to transfer me.

Defendant[s] Steve Masie, M. Blalock, B. Barnett: violated my first amendment right and failed to take corrective action or to intervene when they each had the authority and personal responsibility to in investigating, reviewing and rendering a decision in the grievance under their direct review as elaborated on in detail in Supporting Facts Claims where these defendants are named and what is alleged against them is detailed and explained... I ask for 1,000.00 in punitive damages from each of these defendants because their unconstitutional actions in this case is an every day on going practice toward other prisoners in the TDCJ and it is an action by these 3 defendants that is intentional and deliberate [and it should be punished] to let others with the authority that these 3 defendants have from these unconstitutional acts. These 3 defendants also violated my fifth, eighth and fourteenth amendment rights to the Constitution by their unconstitutional acts as detailed above.

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Relief Continued Page 2

Defendant Rockella Neal: as elaborated on in detail in Supporting Facts to Claims where this defendant is named and what is alleged against her is detailed / I ask for 5,000.00 in compensatory damages and 10,000.00 in punitive damages / to punish and deter this defendant from such unconstitutional acts against other prisoners in the future / and to be a detriment to other prison officials in the same.

Defendant Grace Eke / Defendant Rodney Simon: as elaborated on in detail in Supporting Facts to Claims where these defendants are named and what is alleged against them is detailed / I ask for 5,000.00 in compensatory damages and 10,000.00 in punitive damages enjoined together / to punish and to deter them / I also seek declaratory and injunctive relief to correct the unconstitutional delays and obstruction [S] of other prisoners access to the Courts as was found in this case.

Defendants Jared O'Neal / David Conley: violated my first, fifth, eighth and fourteenth Amendment right [S] as elaborated on in detail in Supporting Facts to Claims where these defendants are named and what is alleged against them is detailed / I ask for 7,000.00 in punitive damages against these defendants to punish and deter them from committing such unconstitutional acts in the future.

Defendants Leticia Davis, Nashawn Jones, Montae Christian: I seek declaratory / injunctive judgment against these defendants establishing the deliberate and intentional unconstitutional actions of these defendants as elaborated on in detail in Supporting Facts to Claims where these defendants are named and what is alleged against them is explained / and for the Court to grant an injunction to correct the unconstitutional violations and deficiencies of the grievance process of the Illinois State Administration / and as evidence and justice [would prove and warrant] system wide.

Defendant Lance Knod: Because this defendant's actions toward me were hostile, vindictive, arbitrary, capricious, unjust and evil and calculated to hurt and harm me [even physically] / and because he coerced and duplicitously manipulated others to do the same / I seek 50,000.00 in punitive damages to punish and deter / I also ask for 5,000.00 in compensatory damages for all the illegal Commissionary

35Relief Continued Page 3

restriction he placed me on in disciplinary cases for refusing housing he knew there was a preponderance of the evidence I had a valid reason to refuse / I further ask this Court to grant an injunction to correct the unconstitutional violations and deficiencies of the disciplinary process of the [Hill Unit] administration / and as evidence and justice [would prove and warrant] system wide.

Defendant Aaron Tompkins: I seek 10,000.00 in punitive damages where this defendant is named and what is alleged against him is detailed and explained in Supporting Facts to Claims to punish and deter him from such unconstitutional acts toward other prisoners and to be an example to other high ranking prison officials from such unconstitutional acts of retaliation and indifference.

Defendant Anita Breay: I seek 25,000.00 in compensatory and punitive damages where this defendant is named and what is alleged against her is detailed and explained in Supporting Facts to Claims to punish and deter her from such unconstitutional acts toward other prisoners and to be an example to other prison officials from committing such unconstitutional acts of retaliation / harassment / denying process to [other] prisoners and in keeping their property from them illegally.

Defendants Antionette Manuel / Laurie McCord: I seek 25,000.00 against both of these defendant[s] in compensatory and punitive damages where these two defendants are named and what is alleged against them is detailed and explained in Supporting Facts to Claims to punish and deter them from such arbitrary, capricious and unconstitutional acts toward other prisoners [who have placed their trust and confidence in them] not to consort and be duplicitous with prison officials to sell them out...

Any additional relief this Court deems just, proper, and equitable.

VERIFICATION

I have read the foregoing complaint and hereby verify that Frank Digges,
the matters alleged therein are true, except as to matters alleged Plaintiff
on information and belief, and, as to those, I believe them to be true. January 16/2018

I certify under penalty of perjury that the foregoing is true and correct.

Executed at Beaumont, Texas [Hill Unit] on January 16/2018. Frank Digges, Plaintiff

OCT 23 2017

Exhibit #1

Exhibit #1

BY
DEPUTY

October 14/2017

Dear Clerk: I am writing this letter to inform

the Court of my position of imminent danger of serious physical injury while presently being confined at the Stiles prison unit in Beaumont, Texas... while at the same time being retaliated against and punished, directly and as a matter of tacit approval, by high ranking and subordinate prison officials... four of these officials that I anticipate to be defendants in filing a § 1983 lawsuit and who are placing me in imminent dangers are:

① Major Schuyler Lewis, ② Major Toby Powell, ③ Disciplinary hearing officer [Captain] Lance Knod, ④ Sergeant Jared O Neal... this Major Lewis I have a life endangerment (LID) transfer from the Git Lewis Unit on in December 2011. Officially the transfer was over my life being endangered by the CRIPS and BLOODS (black prison gangs). Conveniently left out of the official report, apparently, was that Major Lewis (then a lieutenant) provoked the CRIPS and BLOODS against me.

The LID statement I filed in this matter, with one Sergeant Rogers of safe prisons office at the Git Lewis Unit, said Major Lewis endangered my life. I did not find out about Major Lewis (stuff) not being the reason for my transfer from the Git Lewis Unit until almost three years later on the Terrell Unit, where Major Lewis had a close relative working there named Tanzy Lewis. My first day at the Terrell Unit (April 23/2013) I noticed Tanzy's last name on his name tag on his shirt that read "Lewis". At the UCC a few minutes later I discussed the LID transfer from the Git Lewis Unit with Warden Beard. Warden Beard told me he personally knew Lieutenant Schuyler Lewis on the Git Lewis Unit, and that Tanzy Lewis was a close relative of his. I requested Warden Beard transfer me for

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fear of being retaliated against by Schuyler Lewis close relative Tanzy Lewis. Warden Beard (and the other members of the UCC), tentatively, approved the transfers. I was placed in the Special Housing Unit at the Terrell Unit what I thought was to await transfers. On May 20/2017 I was called to another UCC with Warden Beard and told Huntsville denied the transfer request due to my transfer from the Gib Lewis Unit not being "against staff" but against CRIPS and BLOODS, therefore, according to Huntsville reasoning, I had no justification to fear being retaliated against [by] Tanzy Lewis. I refused housing on the Terrell Unit for the next four months until through the disciplinary process classification demoted me in custody from minimum (g2) to medium (g4) custody and the Terrell Unit then had to transfer me. The Terrell Unit is an all minimum security unit, and I refused to be housed there due to LID. From the Terrell Unit I was transferred to the Wynn Unit in Huntsville on September 19/2013. Where I also refused housing due to LID concerns because I would be housed on a g4 wing that I knew was heavy with gang activity and where the CRIPS and BLOODS were strong. I received thirteen major cases for refusing to be housed on the g4 wing / I refused all thirteen times for valid reason regarding LID concerns. I filed numerous grievances (mostly disciplinary appeals) and several LID statements mentioning and elaborating on the Gib Lewis transfers [and] the LID statement I filed on Major Lewis that led to my transfer from the Gib Lewis Unit. . . The Wynn Unit transferred me in November 2014 to the Stiles Unit - where I would be on the same unit again with Schuyler Lewis. When I arrived here he was still a lieutenant / now he's a Major. On July 6/2017 I was placed in the Stiles Unit Security Office Building (SOB) by Sgt. Jared O Neal pending an offender protection investigation (OPI), that Sgt. O Neal witnessed and investigated. While as a witness,

Note: I was also assigned to the Wynn Unit from late January 2008 until February 23/2009.